

## REMARKS

Applicants note with appreciation that the rejection of claims 9 and 11-12 under 35 U.S.C. § 103(a) as being unpatentable over Gosselink et al. (U.S. Patent 5,691,298) in view of Stringer et al. (U.S. Patent 5,858,955) is withdrawn. Additionally, only claims 2-5 and 7-8 are finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Stringer et al. (U.S. Patent 5,858,955), indicating the presence of allowable subject matter in claims 9 and 11-13.

Accordingly, applicants propose to place the claims in condition for allowance or, alternatively, in better form for appeal by incorporating the limits of originally filed claim 11 into independent claim 8. Accordingly, applicants aver that independent claim 8, and necessarily all of the remaining rejected claims dependent thereon, i.e. 2-5 and 7, are now allowable over the applied art.

Since claim 11 fails to further limit amended claim 8, applicants propose to cancel it. Minor editorial amendments to claim 7 are also proposed. No new matter has been added.

Claims 2-5, 7-9 and 11-13 are also newly rejected under 35 U.S.C. § 112, second paragraph, although reasons are given only for independent claim 8. Presumably the remainder are rejected due to dependency.

Responsive to said rejection, applicants propose to cancel the objected-to passage at the end of claim 8, "whereby good primary wettability without unacceptable foaming and good rewettability are imparted to the pretreated textile fiber materials" and to replace "a component E and/or a component F" by "a component E or a component F or a mixture thereof".

It is respectfully submitted that all the claims submitted for reconsideration are in good formal order. Reconsideration and withdrawal of the rejection of claims 2-5, 7-9 and 12-13 under 35 U.S.C. § 112, second paragraph is therefore solicited.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 2-5, 7-9 and 12-13 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Ciba Specialty Chemicals Corporation  
540 White Plains Road  
Tarrytown, New York 10591  
(914) 785-7127  
KTM/22108A5

Kevin T. Mansfield  
Agent for Applicants  
Reg. No. 31,635

MAY 04 2004